

REMARKS

Claims 23-24 and 26-33 are pending in this application. By this Amendment, claims 23, 26, 28 and 29 are amended; and claim 25 is canceled without prejudice to or disclaimer of the subject matter contained therein. Independent claim 23 includes the allowable subject matter of claim 25 (now canceled). No new matter is added.

Entry of Amendment After Final Rejection

Entry of the Amendment is requested under 37 C.F.R. §1.116 because the Amendment: a) place the application in condition for allowance for the reasons discussed herein; b) do not raise any new issues requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; c) do not present any additional claims without canceling the corresponding number of final rejected claims; and d) place the application in better form for appeal, if an appeal is necessary. Entry of the amendment is thus respectfully requested.

Allowable Subject Matter

Applicants appreciate the indication that claim 25-33 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph, and to include all of the features of the base claim and any intervening claims. Accordingly, claim 23 has been amended to obviate the rejection under 35 U.S.C. §112, second paragraph and amended to include the allowable subject matter of claim 25. Thus, allowance of the application is respectfully requested.

Claim Rejections - 35 U.S.C. § 112

Claims 23-33 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

Applicants submit that claim 23 has been amended to include the structural cooperative relationship between the elements (e.g., heating apparatus, applicator, deflector, waveguide and resonant cavity). Withdrawal of the rejection under 35 U.S.C. §112 is respectfully requested.

Claim Rejections - 35 U.S.C. § 102

The rejection of claims 23 and 24 under 35 U.S.C. § 102(b) as being anticipated by Minakawa et al. (EP 0552807 D1) has been rendered moot as claim 23 is amended to included subject matter of allowable claim 25. Withdrawal and allowance of claims 23 and 24 are respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration for the rejections and allowance of each of claims 23-24 and 26-33 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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